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REMARKS

Claims 1-52 are pending.

Claim 29 is amended to correct typographical errors.

Claims 53-72 are added.

The Applicant respectfully asserts that the amendments to Claim 29 and incorporated by reference in any claims depending therefrom, are not narrowing amendments made for a reason related to the statutory requirements for a patent that will give rise to prosecution history estoppel. *See Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co.*, 62 U.S.P.Q.2d 1705, 1711-1712 (2002); 56 U.S.P.Q.2d 1865, 1870 (Fed. Cir. 2000).

I. REJECTION UNDER 35 U.S.C. § 102(b)

The Examiner rejected Claims 1-52 under 35 U.S.C. §102(e) as being disclosed by Xu (U.S. Patent No. 6,418,462).

Claim 1 of the present invention recites a method of operating a distributed parallel processing system, comprising 5 steps. In step 1, a server system is provided. In step 2, the server system is coupled to a network, the network being connectable to distributed devices. In step 3, incentives are provided to couple the distributed devices to the server system through the network so that the distributed devices are capable of performing workloads for the distributed parallel processing system. In step 4, a workload capability factor is identified for a plurality of the distributed devices and in step 5, the identified workload capability factor is used within the server system.

For a reference to anticipate a claimed invention, the reference must disclose every aspect of the claimed invention. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). The

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identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

The Examiner states that Xu discloses a method of operating a distributed parallel processing system comprising step 1 of Claim 1, providing a server system and cites Fig. 2 of Xu. The Examiner states that Xu discloses step 2 of Claim 1, coupling the server of step 1 to a network, the network being connectable to distributed devices and again cites Fig. 2. Fig. 1 of Xu illustrates a prior art network server 201. In the detailed description of Xu, column 4, lines 19-25, Xu states that Fig. 2 is basically the same as Fig. 1 with the addition of communication channel 207 through which server 201 asks each client to perform tasks for the server 201. Xu further states that communication channel 207 does not exist until the client accesses server 201. Fig. 2 and the detailed explanation of Fig. 2 in column 6, lines 23-40 explain basics of his "sideband service." Xu further states relative to Fig. 3 that his "sideband" computing method can be divided into 8 steps which are detailed in column 4, line 34 through column 5, line 40.

The Examiner states that Xu discloses step 3 of Claim 1, and cites the Abstract, Fig. 2, and column 6, lines 23-40 of Xu for support. In the Abstract of Xu, Xu defines sideband computing according to his method. While Xu does disclose that the sideband channel is opened to distribute tasks to clients, nowhere in the Abstract does Xu teach providing an incentive to couple distributed devices to the server system. Rather, Xu makes the statement that the sideband communication channel is opened when a user connects to some (normal) network services. Xu does not state the incentive for a user to allow the server to utilize idle CPU resources; rather Xu simply states that if a network server has lots of clients (connected with a sideband channel according to Xu), it can compute very large parallel computing problems. Nowhere in Fig. 2 or in column 6, lines 23-40, or anywhere else in Xu, does Xu mention providing an incentive to couple the distributed devices to the server system through the network as is recited in Claim 1 of the present invention.

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Xu states that sideband service (as defined by Xu) is "another channel of conversation between client and server." Xu further states that "under normal situations, the server provides information, service or something else and the client receives them passively." Xu further states "if the server asks the clients to perform some tasks for it, then the role for both sides is reversed and usually another separate conversation must be set up." This type of connection (according to the method of Xu) "only exists when clients connect to a server for the service it requires and cannot exist by itself." Xu states that his term sideband channel (or separate dedicated communication channel) for his method is derived for this scenario. See Xu, column 2, lines 51-59. Xu does not discuss any incentive for the client to establish the sideband channel nor does Xu explain how the client sets up the sideband channel.

The Examiner states that Xu discloses step 4 of Claim 1 and again cites the Abstract, Fig. 2, and column 6, lines 23-40 for support of his argument. The Applicant has thoroughly researched the Xu reference and has not found a recitation by Xu related to identifying a workload capability factor for a plurality of the distributed devices of step 2 of Claim 1. The Examiner has stated that the Xu reference has disclosed the invention of Claim 1. The Applicant has cited the case law which states that a claim is anticipated only if each and every element as set forth in the claim is found in a single prior art reference. Xu fails to disclose the step of identifying a workload capability factor as recited in step 4 of Claim 1 of the present invention. For these reasons, Xu does not anticipate the invention of Claim 1.

Step 5 of Claim 1 recites utilizing the workload capability factor identified in step 4 within the server system of step 1 of Claim 1. Since the Applicant has shown that Xu does not disclose or describe the step of identifying a workload capability factor, then Xu also cannot disclose or describe utilizing the workload capability factor identified in step 4 within the server system of step 1. For these reasons, Xu does not anticipate the invention of Claim 1. The Applicant, therefore, respectfully asserts the rejection of Claim 1 under 35 U.S.C. § 102(e) as being disclosed by Xu is traversed for the reasons stated above.

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The Examiner rejects Claims 2-13 under 35 U.S.C. § 102(e) as being disclosed by Xu. To support his rejections, the Examiner cites Xu, Abstract, Fig. 2, and column 6, lines 23-40 and states that Xu teaches "the particulars involving rewards, contests, monetary payments." Applicants respectfully traverse.

Claim 2 is dependent from Claim 1 and limits the incentive to a rewards program. Claim 2 contains all the limitations of Claim 1. Nowhere does Xu teach the method of Claim 1 wherein an incentive to couple distributed devices to a server system is a rewards program. Xu states that if "we can force a client to perform one small chunk of tasks" then more computing may be accumulated. See Xu column 3, lines 44-47. Xu also states that "clients gain access to the service and in return, they pay back with part of their idle computer resource." See Xu column 3, lines 18-20. This does not teach providing an incentive for coupling to a distributed system, wherein the incentive is a rewards program. Therefore, the Applicant respectfully asserts that the rejection of Claim 2 under 35 U.S.C. § 102(e) as being disclosed by Xu is traversed for the reasons stated above and for the same reasons as Claim 1.

Claim 3 is dependent from Claim 1 and limits the incentive to a sweepstakes. Claim 3 contains all the limitations of Claim 1. Nowhere does Xu teach the method of Claim 1 wherein an incentive to couple distributed devices to a server system is a sweepstakes. Xu states that if "we can force a client to perform one small chunk of tasks" then more computing may be accumulated. See Xu column 3, lines 44-47. Xu also states that "clients gain access to the service and in return, they pay back with part of their idle computer resource." See Xu column 3, lines 18-20. This does not teach providing an incentive for coupling to a distributed system, wherein the incentive is a sweepstakes. Therefore, the Applicant respectfully asserts that the rejection of Claim 3 under 35 U.S.C. § 102(e) as being disclosed by Xu is traversed for the reasons stated above and for the same reasons as Claim 1.

Claim 4 is dependent from Claim 1 and limits the incentive to a monetary payment. Claim 4 contains all the limitations of Claim 1. Nowhere does Xu teach the

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method of Claim 1 wherein an incentive to couple distributed devices to a server system is a monetary payment. *Xu* states that if "we can force a client to perform one small chunk of tasks" then more computing may be accumulated. See *Xu* column 3, lines 44-47. *Xu* also states that "clients gain access to the service an in return, they pay back with part of their idle computer resource." See *Xu* column 3, lines 18-20. This does not teach providing an incentive for coupling to a distributed system, wherein the incentive is a monetary payment. Therefore, the Applicant respectfully asserts that the rejection of Claim 4 under 35 U.S.C. § 102(e) as being disclosed by *Xu* is traversed for the reasons stated above and for the same reasons as Claim 1.

Claim 5 is dependent from Claim 1 and recites the added step of determining an incentive value for one or more of the plurality of distributed devices is based upon the workload completed by the distributed devices. Claim 5 contains all the steps of Claim 1. Nowhere does *Xu* teach the method of Claim 1 wherein an incentive value is determined for one or more distributed devices based on a workload completed by the distributed devices. *Xu* states that if "we can force a client to perform one small chunk of tasks" then more computing may be accumulated. See *Xu* column 3, lines 44-47. *Xu* also states that "clients gain access to the service an in return, they pay back with part of their idle computer resource." See *Xu* column 3, lines 18-20. This does not teach providing an incentive for coupling to a distributed system, wherein an incentive value for one or more of the plurality of distributed devices is based upon the workload completed by the distributed devices. *Xu* does not disclose a method of operating a distributed system using incentives in any way. Therefore, the Applicant respectfully asserts that the rejection of Claim 2 under 35 U.S.C. § 102(e) as being disclosed by *Xu* is traversed for the reasons stated above and for the same reasons as Claim 1.

Claim 6 is dependent from Claim 5 and limits the incentive value to entries in a sweepstakes. Claim 6 contains all the limitations of Claim 5 and Claim 1. Nowhere does *Xu* teach the method of Claim 1 wherein the incentive value determined for one or more distributed devices is entries to a sweepstakes. *Xu* states that if "we can force

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a client to perform one small chunk of tasks" then more computing may be accumulated. See Xu column 3, lines 44-47. Xu also states that "clients gain access to the service and in return, they pay back with part of their idle computer resource." See Xu column 3, lines 18-20. Xu does not disclose a method of operating a distributed system using incentives in any way nor is a sweepstakes anywhere disclosed in Xu. Therefore, the Applicant respectfully asserts that the rejection of Claim 6 under 35 U.S.C. § 102(e) as being disclosed by Xu is traversed for the reasons stated above and for the same reasons as Claims 5 and 1.

Claim 7 is dependent from Claim 1 and recites the added step of determining an incentive value for one or more of the plurality of distributed devices based upon the workload capabilities of the distributed devices. Claim 7 contains all the steps of Claim 1. Nowhere does Xu teach the method of Claim 1 wherein an incentive value is determined for one or more distributed devices based on workload capabilities. Xu states that if "we can force a client to perform one small chunk of tasks" then more computing may be accumulated. See Xu column 3, lines 44-47. Xu also states that "clients gain access to the service and in return, they pay back with part of their idle computer resource." See Xu column 3, lines 18-20. Xu does not disclose a method of operating a distributed system using incentives in any way nor is a sweepstakes anywhere disclosed in Xu. Therefore, the Applicant respectfully asserts that the rejection of Claim 7 under 35 U.S.C. § 102(e) as being disclosed by Xu is traversed for the reasons stated above and for the same reasons as Claim 1.

Claim 8 is dependent from Claim 7 and recites that the incentive value of Claim 7 comprises entries to a sweepstakes. Claim 8 contains all the steps of Claims 7 and 1. Nowhere does Xu teach the method of Claim 7 wherein an incentive value is determined for one or more distributed devices based upon the workload capabilities of the distributed devices is entries to a sweepstakes. Xu states that if "we can force a client to perform one small chunk of tasks" then more computing may be accumulated. See Xu column 3, lines 44-47. Xu also states that "clients gain access to the service and in return, they pay back with part of their idle computer resource."

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See *Xu* column 3, lines 18-20. *Xu* does not disclose a method of operating a distributed system using incentives in any way nor is a sweepstakes anywhere disclosed in *Xu*. Therefore, the Applicant respectfully asserts that the rejection of Claim 8 under 35 U.S.C. § 102(e) as being disclosed by *Xu* is traversed for the reasons stated above and for the same reasons as Claims 7 and 1.

Claim 9 is dependent from Claim 1 and adds the limitation that the workload capability factors is determined by a benchmark workload. Claim 9 contains all the limitations of Claim 1. Nowhere does *Xu* teach the method of Claim 1 wherein workload factors are identified. *Xu* therefore does not disclose workload capability factors determined by a benchmark workload. Therefore, the Applicant respectfully asserts that the rejection of Claim 9 under 35 U.S.C. § 102(e) as being disclosed by *Xu* is traversed for the reasons stated above and for the same reasons as Claim 1.

Claim 10 is dependent from Claim 9 and adds the limitation that the server system is scheduling and allocating workloads to the distributed devices based upon the workload capability factor of Claim 9 determined by a benchmark workload. *Xu* does not disclose workload capability factors determined by a benchmark workload and thus does not disclose using the workload capability factors to schedule and allocate workloads to the distributed devices. Claim 10 contains all the limitations of Claim 9 and Claim 1. Nowhere does *Xu* disclose the method of Claim 1 wherein workload factors are identified. Therefore, the Applicant respectfully asserts that the rejection of Claim 10 under 35 U.S.C. § 102(e) as being disclosed by *Xu* is traversed for the reasons stated above and for the same reasons as Claims 9 and 1.

Claim 11 is dependent from Claim 1 and adds the limitation that the workload capability factor of at least one distributed device of Claim 1 is determined by the workload actually performed by the distributed device. *Xu* does not disclose workload capability factors, thus does not disclose a workload capability factor as one determined by a workload actually performed by the distributed device. Claim 11 contains all the limitations of Claim 1. Nowhere does *Xu* disclose the method of

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Claim 1 wherein workload factors are identified. Therefore, the Applicant respectfully asserts that the rejection of Claim 10 under 35 U.S.C. § 102(e) as being disclosed by Xu is traversed for the reasons stated above and for the same reasons as Claim 1.

Claim 12 is dependent from Claim 1 and adds the limitation that the workload capability factor of at least one distributed device of Claim 1 is determined by the capabilities of the distributed device. Xu does not disclose workload capability factors, thus does not disclose a workload capability factor as one determined by the capabilities of the distributed device. Claim 12 contains all the limitations of Claim 1. Nowhere does Xu disclose the method of Claim 1 wherein workload factors are identified. Therefore, the Applicant respectfully asserts that the rejection of Claim 12 under 35 U.S.C. § 102(e) as being disclosed by Xu is traversed for the reasons stated above and for the same reasons as Claim 1.

Claim 13 is dependent from Claim 12 and adds the limitation that the workload capability is utilized to determine an entry value to a sweepstakes. Xu does not disclose workload capability factors and does not disclose sweepstakes, entries thus does not disclose a workload capability factor utilized to determine an entry value to a sweepstakes. Claim 13 contains all the limitations of Claim 12. Nowhere does Xu disclose the method of Claim 1 wherein workload factors are identified. Therefore, the Applicant respectfully asserts that the rejection of Claim 13 under 35 U.S.C. § 102(e) as being disclosed by Xu is traversed for the reasons stated above and for the same reasons as Claim 12 and Claim 1.

The Examiner rejects Claims 14-28 under 35 U.S.C. § 102(e) as being disclosed by Xu. To support his rejections, the Examiner cites Xu, Abstract, Fig. 2, and column 6, lines 23-40 and states that Xu discloses "the particulars involving capabilities." Claim 14 is dependent from Claim 13 and Claims 15-22 are dependent directly from Claim 1.

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Claim 14 is dependent from Claim 13 and adds the limitation that the entry value determined by a workload capability factor increases for increased capabilities of the distributed devices. *Xu* does not disclose the workload capability factors and does not and does not disclose entries as incentives generated for distributed devices. Claim 14 contains all the limitations of Claim 13. Nowhere does *Xu* disclose the method of Claim 1 wherein workload factors are identified. Further, the Examiner has failed to identify any specific teaching in *Xu* of increased capabilities of the distributed devices. Therefore, the Applicant respectfully asserts that the rejection of Claim 14 under 35 U.S.C. § 102(e) as being disclosed by *Xu* is traversed for the reasons stated above and for the same reasons as Claim 13 and Claim 1.

Claim 15 is dependent from Claim 1 and adds the limitation that the workload performed by the distributed device is a site testing workload. *Xu* does not disclose the method of Claim 1 wherein the workload performed by the distributed device is a site testing workload. Claim 15 contains all the limitations of Claim 1. Nowhere does *Xu* disclose the method of Claim 1 wherein workload factors are identified. Further, nothing in *Xu* teaches a site testing workload. Therefore, the Applicant respectfully asserts that the rejection of Claim 15 under 35 U.S.C. § 102(e) as being disclosed by *Xu* is traversed for the reasons stated above and for the same reasons as Claim 1.

Claim 16 is dependent from Claim 1 and adds the limitation that the workload performed by the distributed device is an indexing workload. *Xu* does not disclose the method of Claim 1 wherein the workload performed by the distributed device is an indexing workload. Claim 16 contains all the limitations of Claim 1. Nowhere does *Xu* disclose the method of Claim 1 wherein workload factors are identified. Further, nothing in *Xu* teaches an indexing workload. Therefore, the Applicant respectfully asserts that the rejection of Claim 16 under 35 U.S.C. § 102(e) as being disclosed by *Xu* is traversed for the reasons stated above and for the same reasons as Claim 1.

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Claim 17 is dependent from Claim 1 and adds the limitation that the workload capability factor is utilized to determine an allocation of workloads among the distributed devices. *Xu* does not disclose the method of Claim 1 wherein workload capability factors are identified for the distributed devices and thus does not disclose how the workload capability factors are utilized. Claim 16 contains all the limitations of Claim 1. Nowhere does *Xu* disclose the method of Claim 1 wherein workload factors are identified. Therefore, the Applicant respectfully asserts that the rejection of Claim 17 under 35 U.S.C. § 102(e) as being disclosed by *Xu* is traversed for the reasons stated above and for the same reasons as Claim 1.

Claim 18 is dependent from Claim 1 and adds the limitation that the workload capability factor is utilized to determine scheduling of workloads among the distributed devices. *Xu* does not disclose the method of Claim 1 wherein workload capability factors are identified for the distributed devices and thus does not disclose how the workload capability factors are utilized. Claim 17 contains all the limitations of Claim 1. Nowhere does *Xu* disclose the method of Claim 1 wherein workload factors are identified. Therefore, the Applicant respectfully asserts that the rejection of Claim 18 under 35 U.S.C. § 102(e) as being disclosed by *Xu* is traversed for the reasons stated above and for the same reasons as Claim 1.

Claim 19 is dependent from Claim 1 and adds the limitation that the network which connects the distributed devices to the server system is an Internet. *Xu* does not disclose the method of Claim 1 wherein workload capability factors are identified for the distributed devices and thus does not disclose how distributed devices with identified workload capabilities are connected. Claim 19 contains all the limitations of Claim 1. Nowhere does *Xu* disclose the method of Claim 1 wherein workload factors are identified. Further, *Xu* does not disclose distributed devices with workload capability factors wherein the distributed devices are connected an Internet. Therefore, the Applicant respectfully asserts that the rejection of Claim 19 under 35 U.S.C. § 102(e) as being disclosed by *Xu* is traversed for the reasons stated above and for the same reasons as Claim 1.

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Claim 20 is dependent from Claim 1 and adds the limitation that the network which connects the distributed devices to the server system is an intranet. *Xu* does not disclose the method of Claim 1 wherein workload capability factors are identified for the distributed devices and thus does not disclose how distributed devices with identified workload capabilities are connected. Claim 19 contains all the limitations of Claim 1. Nowhere does *Xu* disclose the method of Claim 1 wherein workload factors are identified. Further, *Xu* does not disclose distributed devices with workload capability factors wherein the distributed devices are connected an intranet. Therefore, the Applicant respectfully asserts that the rejection of Claim 20 under 35 U.S.C. § 102(e) as being disclosed by *Xu* is traversed for the reasons stated above and for the same reasons as Claim 1.

Claim 21 is dependent from Claim 1 and adds the limitation that the network which connects the distributed devices to the server system is a wireless network. *Xu* does not disclose the method of Claim 1 wherein workload capability factors are identified for the distributed devices and thus does not disclose how distributed devices with identified workload capabilities are connected. Claim 21 contains all the limitations of Claim 1. Nowhere does *Xu* disclose the method of Claim 1 wherein workload factors are identified. Further, nothing in *Xu* teaches a wireless network. Therefore, the Applicant respectfully asserts that the rejection of Claim 21 under 35 U.S.C. § 102(e) as being disclosed by *Xu* is traversed for the reasons stated above and for the same reasons as Claim 1.

Claim 22 is dependent from Claim 1 and adds the step of transferring an agent from the server system to the distributed devices, wherein the agent is capable of managing the workload performed by the distributed devices. *Xu* does not disclose the method of Claim 1 wherein workload capability factors are identified for the distributed devices and thus does not disclose distributed devices with identified workload capability factors that have agents capable of managing a workload performed by the distributed devices transferred to them from the server system. Claim 22 contains all the limitations of Claim 1. Nowhere does *Xu* disclose the

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method of Claim 1 wherein workload factors are identified. Therefore, the Applicant respectfully asserts that the rejection of Claim 22 under 35 U.S.C. § 102(e) as being disclosed by Xu is traversed for the reasons stated above and for the same reasons as Claim 1.

Claim 23 is dependent from Claim 22 and adds the limitation that the agent is capable of providing information to a user of the distributed device. Xu does not disclose the method of Claim 1 wherein workload capability factors are identified for the distributed devices and thus does not disclose distributed devices with identified workload capability factors that have agents capable of providing information to a user of the distributed devices transferred to them from the server system. Claim 23 contains all the limitations of Claim 1. Nowhere does Xu disclose the method of Claim 1 wherein workload factors are identified. Therefore, the Applicant respectfully asserts that the rejection of Claim 23 under 35 U.S.C. § 102(e) as being disclosed by Xu is traversed for the reasons stated above and for the same reasons as Claim 1.

Claim 24 is dependent from Claim 23 and adds the limitation that the agent is capable of providing information to a user about an increase in the incentive value for an increase in workload capability of the distributed device. Xu does not disclose the method of Claim 1 wherein workload capability factors are identified for the distributed devices and thus does not disclose distributed devices with identified workload capability factors that have agents transferred to them from the server system that are capable of providing information to a user about an increase in the incentive value for an increase in workload capability of the distributed device. Claim 24 contains all the limitations of Claim 1. Nowhere does Xu disclose the method of Claim 1 wherein workload capability factors are identified. Further, Xu does not disclose distributed devices with identified workload capability factors that have agents transferred to them from the server system that are capable of providing information to a user about an increase in the incentive value for an increase in workload capability of the distributed device. Therefore, the Applicant respectfully

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asserts that the rejection of Claim 24 under 35 U.S.C. § 102(e) as being disclosed by Xu is traversed for the reasons stated above and for the same reasons as Claims 23 and 1.

Claim 25 is dependent from Claim 24 and adds the limitation that the incentive increase information from the agent is directed to an upgrade for the distributed system. Xu does not disclose the method of Claim 1 wherein workload capability factors are identified for the distributed devices and thus does not disclose distributed devices with identified workload capability factors that have agents transferred to them from the server system that are capable of providing information to a user about wherein the increase information directed to an upgrade for the distributed system. Claim 25 contains all the limitations of Claims 24, 23, 22 and 1. Nowhere does Xu disclose the method of Claim 1 wherein workload factors are identified. Further, Xu does not disclose distributed devices with identified workload capability factors that have agents transferred to them from the server system that are capable of providing information to a user about wherein the increase information directed to an upgrade for the distributed system. Therefore, the Applicant respectfully asserts that the rejection of Claim 25 under 35 U.S.C. § 102(e) as being disclosed by Xu is traversed for the reasons stated above and for the same reasons as Claims 24 and 1.

Claim 26 is dependent from Claim 25 and adds the limitation that the incentive increase information from the agent is directed to a particular manufacturer of an upgrade product. Xu does not disclose the method of Claim 1 wherein workload capability factors are identified for the distributed devices and thus does not disclose distributed devices with identified workload capability factors that have agents transferred to them from the server system that are capable of providing information to a user about wherein the increase information directed to a particular manufacturer of an upgrade product. Claim 26 contains all the limitations of Claims 25, 24, 23, 22 and 1. Nowhere does Xu disclose the method of Claim 1 wherein workload factors are identified. Further, does not disclose distributed devices with identified workload

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capability factors that have agents transferred to them from the server system that are capable of providing information to a user about wherein the increase information directed to a particular manufacturer of an upgrade product. Therefore, the Applicant respectfully asserts that the rejection of Claim 26 under 35 U.S.C. § 102(e) as being disclosed by Xu is traversed for the reasons stated above and for the same reasons as Claims 25 and 1.

Claim 27 is dependent from Claim 1 and adds the limitation that the workload capability factor is processor capabilities of the distributed devices. Xu does not disclose the method of Claim 1 wherein workload capability factors are identified for the distributed devices and thus does not disclose the particular workload capability factor as processor capabilities of the distributed devices. Claim 27 contains all the limitations of Claim 1. Nowhere does Xu disclose the method of Claim 1 wherein workload factors are identified. Further, Xu does not disclose the particular workload capability factor as processor capabilities of the distributed devices. Therefore, the Applicant respectfully asserts that the rejection of Claim 27 under 35 U.S.C. § 102(e) as being disclosed by Xu is traversed for the reasons stated above and for the same reasons as Claim 1.

Claim 28 is dependent from Claim 1 and adds the limitation that the workload capability factor is a storage capacity of the distributed devices. Xu does not disclose the method of Claim 1 wherein workload capability factors are identified for the distributed devices and thus does not disclose the particular workload capability factor as a storage capacity of the distributed devices. Claim 28 contains all the limitations of Claim 1. Nowhere does Xu disclose the method of Claim 1 wherein workload factors are identified. Further Xu does not disclose the particular workload capability factor as a storage capacity of the distributed devices. Therefore, the Applicant respectfully asserts that the rejection of Claim 28 under 35 U.S.C. § 102(e) as being disclosed by Xu is traversed for the reasons stated above and for the same reasons as Claim 1.

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The Examiner rejects Claims 29-52 under 35 U.S.C. § 102(e) as being disclosed by Xu. To support his rejections, the Examiner states that "paragraphs 2.1-2.3 above applies fully." These paragraphs contain the Examiner's citations for support of his rejections of Claims 2-28 which broadly and without specificity cite Xu, Abstract, Fig. 2, and column 6, lines 23-40.

Independent Claim 29 has been amended to correct informalities. Amended Claim 29 is an independent claim reciting a distributed parallel processing system, comprising a server system coupled to a network, the network being connectable to distributed devices, a capability database coupled to the server system, the capability database storing workload capability factors for the plurality of distributed devices, and an incentive database coupled to the server system, the incentive database storing incentive values for a plurality of the distributed devices, the plurality of distributed devices being capable of performing workloads for the distributed parallel processing system, and the server system utilizing the workload capacity factors to determine the incentive values for the plurality of distributed devices. The Examiner does not address all of the elements of Claim 29; rather, the Examiner rejects Claims 29-52 for apparently the same reasons as Claims 1-28 stating that his rationale from rejecting Claims 1-28 under 35 U.S.C. §102(e) as being disclosed by Xu fully applies to Claims 29-52. Claims 1-28 are claims to a method for operating a distributed parallel processing system and Claims 29-52 are claims to a distributed parallel processing system. Claim 29 has elements not recited in Claim 1, specifically, a capability database coupled to the server system and an incentive database coupled to the server system, the incentive database storing incentive values for a plurality of the distributed devices. The Examiner fails to address elements of Claim 29 by relying on the same arguments for rejecting Claim 29 as were used relative to Claim 1. The Applicant has shown that Xu does not anticipate identifying a workload capability factor as recited in step 4 of Claim 1. Likewise, the Applicant has shown that Xu does not anticipate utilizing the workload capability factor within the server system of step 1 of Claim 1. The Applicant asserts that since Xu does not anticipate identifying

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a workload capability factor, *Xu* cannot anticipate a distributed parallel processing system having a server system having a capability database coupled to the server system, the capability database storing workload capability factors for the plurality of distributed devices, and an incentive database coupled to the server system, the incentive database storing incentive values for a plurality of the distributed devices, the plurality of distributed devices being capable of performing workloads for the distributed parallel processing system, and the server system utilizing the workload capability factors to determine the incentive values for the plurality of distributed devices. Therefore, the Applicant respectfully asserts that the rejection of Claim 29 under 35 U.S.C. § 102(e) as being disclosed by *Xu* is traversed for the reasons stated above and for the same reasons as Claim 1.

Claim 30 is dependent from Claim 29 and adds the limitation that the incentive is a sweepstakes. *Xu* does not disclose the system of Claim 29 wherein the incentive is a sweepstakes. Further, *Xu* does not teach providing an incentive for coupling to a distributed system, wherein the incentive is a sweepstakes. Therefore, the Applicant respectfully asserts that the rejection of Claim 30 under 35 U.S.C. § 102(e) as being disclosed by *Xu* is traversed for the reasons stated above and for the same reasons as Claims 29 and 1.

Claim 31 is dependent from Claim 29 and adds the limitation that the incentive is a monetary payment. *Xu* does not disclose the system of Claim 29 wherein the incentive includes a monetary payment. Further, *Xu* does not teach providing an incentive for coupling to a distributed system, wherein the incentive is a monetary payment. Therefore, the Applicant respectfully asserts that the rejection of Claim 31 under 35 U.S.C. § 102(e) as being disclosed by *Xu* is traversed for the reasons stated above and for the same reasons as Claims 29 and 1.

Claim 32 is dependent from Claim 29 and adds the limitation that the incentive values are based upon the workload completed by the distributed devices. *Xu* does not disclose the system of Claim 29 wherein the incentive values be based

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upon the workload completed by the distributed devices. Further, *Xu* does not teach providing an incentive for coupling to a distributed system, wherein the incentive values are based upon the workload completed by the distributed devices.. Therefore, the Applicant respectfully asserts that the rejection of Claim 32 under 35 U.S.C. § 102(e) as being disclosed by *Xu* is traversed for the reasons stated above and for the same reasons as Claims 29 and 1.

Claim 33 is dependent from Claim 32 and adds the limitation that the incentive values are entries to a sweepstakes. *Xu* does not disclose the system of Claim 29 wherein the incentive values are entries to a sweepstakes. Further, *Xu* does not teach providing an incentive for coupling to a distributed system, wherein the incentive is a sweepstakes. Therefore, the Applicant respectfully asserts that the rejection of Claim 33 under 35 U.S.C. § 102(e) as being disclosed by *Xu* is traversed for the reasons stated above and for the same reasons as Claims 29 and 1.

Claim 34 is dependent from Claim 29 and adds the limitation that the incentive values are based on a workload completed. *Xu* does not disclose the system of Claim 29 wherein the incentive values are based on a workload completed. Further, *Xu* does not teach providing an incentive for coupling to a distributed system, wherein the incentive values are based upon the workload completed by the distributed devices. Therefore, the Applicant respectfully asserts that the rejection of Claim 34 under 35 U.S.C. § 102(e) as being disclosed by *Xu* is traversed for the reasons stated above and for the same reasons as Claims 29 and 1.

Claim 35 is dependent from Claim 34 and adds the limitation that the incentive values are entries to a sweepstakes. *Xu* does not disclose the system of Claim 29 wherein the incentive values are entries to a sweepstakes. Further, *Xu* does not teach providing an incentive for coupling to a distributed system, wherein the incentive is a sweepstakes. Therefore, the Applicant respectfully asserts that the rejection of Claim 35 under 35 U.S.C. § 102(e) as being disclosed by *Xu* is traversed for the reasons stated above and for the same reasons as Claims 29 and 1.

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Claim 36 is dependent from Claim 29 and adds the limitation that the workload capability factors for the distributed devices are determined by a benchmark workload. *Xu* does not disclose the system of Claim 29 wherein the workload capability factors for the distributed devices are determined by a benchmark workload. Further, *Xu* does not teach workload capability factors determined by a benchmark workload. Therefore, the Applicant respectfully asserts that the rejection of Claim 36 under 35 U.S.C. § 102(e) as being disclosed by *Xu* is traversed for the reasons stated above and for the same reasons as Claims 29 and 1.

Claim 37 is dependent from Claim 36 and adds the limitation of a workload database coupled to the server system, wherein the server system allocates workloads to the distributed devices based upon the workload capability factor determined by the benchmark workload. *Xu* does not disclose the system of Claim 29 wherein the distributed devices have workload capability factors and thus does not teach the system wherein the workload capability factors are determined by a benchmark workload. Further, *Xu* does not teach a workload database coupled to the server system. Therefore, the Applicant respectfully asserts that the rejection of Claim 37 under 35 U.S.C. § 102(e) as being disclosed by *Xu* is traversed for the reasons stated above and for the same reasons as Claims 29 and 1.

Claim 38 is dependent from Claim 29 and limits the incentive values to increase for increased capabilities of the distributed devices. *Xu* does not disclose the system of Claim 29 wherein the distributed devices have workload capability factors and thus does not disclose the system of Claim 9 wherein the incentive values increase for increased capabilities of the distributed devices. Claim 38 contains all the limitations of Claim 29. Nowhere does *Xu* disclose the system of Claim 29 wherein the distributed devices have workload capability factors. Further, *Xu* does not teach distributed devices with workload capability factors, wherein the incentive values increase for increased capabilities of the distributed devices. Therefore, the Applicant respectfully asserts that the rejection of Claim 38 under 35 U.S.C. § 102(e)

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as being disclosed by *Xu* is traversed for the reasons stated above and for the same reasons as Claim 29 and Claim 1.

Claim 39 is dependent from Claim 29 and limits the workload to include a site testing workload or a network site content indexing. *Xu* does not disclose the system of Claim 29 wherein the distributed devices have workload capability factors and thus does not disclose the system of Claim 9 wherein the workload to include a site testing workload or a network site content indexing. Claim 39 contains all the limitations of Claim 29. Nowhere does *Xu* disclose the system of Claim 29 wherein the distributed devices have workload capability factors. Further, *Xu* does not teach a site testing workload or a network site content indexing. Therefore, the Applicant respectfully asserts that the rejection of Claim 39 under 35 U.S.C. § 102(e) as being disclosed by *Xu* is traversed for the reasons stated above and for the same reasons as Claim 29 and Claim 1.

Claim 40 is dependent from Claim 29 and limits the workload to include a bioinformatics workload, a pair-wise comparison workload or a data mining workload. *Xu* does not disclose the system of Claim 29 wherein the distributed devices have workload capability factors and thus does not disclose the system of Claim 29 wherein the workload to include a bioinformatics workload, a pair-wise comparison workload or a data mining workload. Claim 40 contains all the limitations of Claim 29. Nowhere does *Xu* disclose the system of Claim 29 wherein the distributed devices have workload capability factors. Further, *Xu* does not teach a bioinformatics workload. Therefore, the Applicant respectfully asserts that the rejection of Claim 40 under 35 U.S.C. § 102(e) as being disclosed by *Xu* is traversed for the reasons stated above and for the same reasons as Claim 29 and Claim 1.

Claim 41 is dependent from Claim 29 and limits the server system to utilize the workload capability factors of the distributed devices to determine an allocation of workloads among the distributed devices. *Xu* does not disclose the system of Claim 29 wherein the distributed devices have workload capability factors and thus does not

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disclose the system of Claim 29 wherein the server system utilizes the workload capability factors of the distributed devices to determine an allocation of workloads among the distributed devices. Claim 41 contains all the limitations of Claim 29. Nowhere does Xu disclose the system of Claim 29 wherein the distributed devices have workload capability factors. Further, Xu does not teach workload capability factors. Therefore, the Applicant respectfully asserts that the rejection of Claim 41 under 35 U.S.C. § 102(e) as being disclosed by Xu is traversed for the reasons stated above and for the same reasons as Claim 29 and Claim 1.

Claim 42 is dependent from Claim 29 and limits the network connecting the distributed devices to an Internet. Xu does not disclose the system of Claim 29 wherein the distributed devices have workload capability factors and thus does not disclose the system of Claim 29 wherein the network connecting the distributed devices is an internet. Claim 42 contains all the limitations of Claim 29. Nowhere does Xu disclose the system of Claim 29 wherein the distributed devices have workload capability factors. Further, Xu does not disclose distributed devices with workload capability factors wherein the distributed devices are connected an Internet. Therefore, the Applicant respectfully asserts that the rejection of Claim 42 under 35 U.S.C. § 102(e) as being disclosed by Xu is traversed for the reasons stated above and for the same reasons as Claim 29 and Claim 1.

Claim 43 is dependent from Claim 29 and limits the network connecting the distributed devices to an intranet. Xu does not disclose the system of Claim 29 wherein the distributed devices have workload capability factors and thus does not disclose the system of Claim 29 wherein the network connecting the distributed devices is an intranet. Claim 42 contains all the limitations of Claim 29. Nowhere does Xu disclose the system of Claim 29 wherein the distributed devices have workload capability factors. Further, Xu does not disclose distributed devices with workload capability factors wherein the distributed devices are connected an intranet. Therefore, the Applicant respectfully asserts that the rejection of Claim 42 under 35

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*U.S.C. § 102(e)* as being disclosed by *Xu* is traversed for the reasons stated above and for the same reasons as Claim 29 and Claim 1.

Claim 44 is dependent from Claim 29 and adds the limitation of an agent coupled to the server system, wherein the agent is capable of being transferred from the server system to the distributed devices and the agent is capable of managing the workload. *Xu* does not disclose the system of Claim 29 wherein the distributed devices have workload capability factors and thus does not teach the system wherein an agent capable of being transferred from the server system to the distributed devices is coupled to the server system, wherein the agent is capable of managing the workload. Therefore, the Applicant respectfully asserts that the rejection of Claim 44 under 35 *U.S.C. § 102(e)* as being disclosed by *Xu* is traversed for the reasons stated above and for the same reasons as Claims 29 and 1.

Claim 45 is dependent from Claim 44 and adds the limitation that the agent is capable of providing information to a user of a distributed device. *Xu* does not disclose the system of Claim 29 wherein the distributed devices have workload capability factors and thus does not teach the system wherein the agent is capable of providing information to a user of a distributed device. Therefore, the Applicant respectfully asserts that the rejection of Claim 45 under 35 *U.S.C. § 102(e)* as being disclosed by *Xu* is traversed for the reasons stated above and for the same reasons as Claims 29 and 1.

Claim 46 is dependent from Claim 45 and adds the limitation that the agent is capable of providing information to a user about an increase in the incentive value for an increase in the capability of the distributed system. *Xu* does not disclose the system of Claim 29 wherein the distributed devices have workload capability factors and thus does not teach the system wherein the agent is capable of providing information to a user about an increase in the incentive value for an increase in the capability of the distributed system. Further, *Xu* does not disclose an incentive value increasing with the increase in the capability of the distributed system. Therefore, the

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Applicant respectfully asserts that the rejection of Claim 46 under 35 U.S.C. § 102(e) as being disclosed by *Xu* is traversed for the reasons stated above and for the same reasons as Claims 29 and 1.

Claim 47 is dependent from Claim 46 and adds the limitation that the information is directed to an upgrade for the distributed device. *Xu* does not disclose the system of Claim 29 wherein the distributed devices have workload capability factors and thus does not teach the system wherein the information is directed to an upgrade for the distributed device. Further, *Xu* does not disclose an incentive value increasing with the increase in the capability of the distributed system. Therefore, the Applicant respectfully asserts that the rejection of Claim 47 under 35 U.S.C. § 102(e) as being disclosed by *Xu* is traversed for the reasons stated above and for the same reasons as Claims 29 and 1.

Claim 48 is dependent from Claim 47 and adds the limitation that the information is directed to a particular manufacturer of an upgrade product. *Xu* does not disclose the system of Claim 29 wherein the distributed devices have workload capability factors and thus does not teach the system wherein the information is directed to a particular manufacturer of an upgrade product. Further, *Xu* does not disclose an incentive value increasing with the increase in the capability of the distributed system. Therefore, the Applicant respectfully asserts that the rejection of Claim 48 under 35 U.S.C. § 102(e) as being disclosed by *Xu* is traversed for the reasons stated above and for the same reasons as Claims 29 and 1.

Claim 49 is dependent from Claim 29 and adds the limitation that the workload capability factor includes a processor capability of the distributed devices. *Xu* does not disclose the system of Claim 29 wherein the distributed devices have workload capability factors and thus does not teach the system wherein the workload capability factor includes a processor capability of the distributed devices. Further, *Xu* does not disclose workload capability factors. Therefore, the Applicant respectfully asserts that the rejection of Claim 49 under 35 U.S.C. § 102(e) as being

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disclosed by Xu is traversed for the reasons stated above and for the same reasons as Claims 29 and 1.

Claim 50 is dependent from Claim 29 and adds the limitation that the workload capability factor includes a storage capacity capability of the distributed devices. Xu does not disclose the system of Claim 29 wherein the distributed devices have workload capability factors and thus does not teach the system wherein the workload capability factor includes a storage capacity capability of the distributed devices. Further, Xu does not disclose workload capability factors. Therefore, the Applicant respectfully asserts that the rejection of Claim 50 under 35 U.S.C. § 102(e) as being disclosed by Xu is traversed for the reasons stated above and for the same reasons as Claims 29 and 1.

Claim 51 is dependent from Claim 29 and adds the limitation that the network for connecting the distributed devices is a wireless network. Xu does not disclose the system of Claim 29 wherein the distributed devices have workload capability factors and thus does not teach the system wherein the network for connecting the distributed devices is a wireless network. Further, Xu does not disclose distributed devices with workload capability factors coupled to wireless networks. Therefore, the Applicant respectfully asserts that the rejection of Claim 51 under 35 U.S.C. § 102(e) as being disclosed by Xu is traversed for the reasons stated above and for the same reasons as Claims 29 and 1.

Claim 52 is dependent from Claim 29 and adds the limitation that the distributed devices comprise wireless devices. Xu does not disclose the system of Claim 29 wherein the distributed devices have workload capability factors and thus does not teach the system wherein the distributed devices comprise wireless devices. Further, Xu does not disclose wireless devices with workload capability factors. Therefore, the Applicant respectfully asserts that the rejection of Claim 52 under 35 U.S.C. § 102(e) as being disclosed by Xu is traversed for the reasons stated above and for the same reasons as Claims 29 and 1.

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The Examiner rejects Claims 1-52 under 35 U.S.C. § 102(e) as being disclosed by a publication by *Orn Regev* entitled "Economic Oriented CPU Sharing System for the Internet; July 1998" (hereafter *Regev*). The Applicant assumes the Examiner meant to reject these claims under 35 U.S.C. § 102(b), as 35 U.S.C. § 102(e) is related to the disclosure of Patents and publications of Patents under 122(b). In his rejections of Claims 1-52 under (sic) 35 U.S.C. § 102(e) as being disclosed by *Regev*, the Examiner cites pages 7-11 of *Regev*, inclusive and with no further detail as to what sections, paragraphs, sentences, etc., apply to specific elements of these rejected claims.

*Regev* is a thesis submitted for a Master of Science in Computer Science. *Regev* discloses a system (method) for establishing a market for excess CPU time for devices coupled to the Internet. The publication of *Regev* pertains to many things relating to the creation and operation of a "market" for CPU time. The Examiner is respectfully reminded that he has an obligation under 37 CFR § 1.104 (c)(2) to cite the best reference at his command. 37 CFR § 1.104 (c)(2) further states that "when a reference is complex or shows or describes inventions other than that claimed by the application, the particular part relied on must be designated as nearly as practicable. The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified." The Examiner has made a blanket statement that five pages of *Regev*, 7-11, disclose the invention of Claims 1-52 without further specificity. For example, in rejecting all five steps of Claim 1, the Examiner cites *Regev*, pages 7-11, with no further detail or explanation. Thus, the Examiner has failed to adhere to 37 C.F.R. § 1.104(c)(2).

Claim 1 of the present invention recites a method of operating a distributed parallel processing system comprising five steps. In step 1, a server system is provided. In step 2, the server system is coupled to a network; the network being connectable to distributed devices. In step 3, incentives are provided to couple the distributed devices to the server system through the network so that the distributed devices are capable of performing workloads for the distributed parallel processing

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system. In step 4, a workload capability factor is identified for a plurality of the distributed devices and in step 5, the identified workload capability factor is used within the server system.

For a reference to anticipate a claimed invention, the reference must disclose every aspect of the claimed invention. *Verdegual Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

The Examiner states that *Regev* discloses a method of operating a distributed parallel processing system comprising all of the steps of Claim 1 and cites pages 7-11 of *Regev* for support. In pages 7-11, *Regev* discusses the topic titled 1.2 A Micro-Economy of CPU Time of which 1.2.1 The Goods, 1.2.2 The Money, 1.2.3 Buying and Selling CPU Time, and 1.2.4 The Market are sub-topics. For *Regev* to anticipate the invention of Claim 1, *Regev* must disclose every element (every step) of the claimed invention either. Therefore, if any of the steps of Claim 1 are not found in *Regev*, then *Regev* does not anticipate the invention of Claim 1.

The Examiner states that *Regev* discloses step 4 of Claim 1 and again cites pages 7-11 of *Regev* for support of his argument. The Applicant has thoroughly researched the *Regev* reference and has not found a recitation by *Regev* related to identifying a workload capability factor for a plurality of the distributed devices of step 2 of Claim 1. *Regev* fails to disclose the step of identifying a workload capability factor as recited in step 4 of Claim 1 of the present invention. For at least these reasons, *Regev* does not anticipate the invention of Claim 1.

Claim 2 is dependent from Claim 1 and limits the incentive to a rewards program. Claim 2 contains all the limitations of Claim 1. Nowhere does *Regev* teach the method of Claim 1 wherein an incentive to couple distributed devices to a server system is a rewards program. Further, nowhere does *Regev* teach an incentive to

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couple distributed devices to a server system, wherein the incentive is a rewards program. Therefore, the Applicant respectfully asserts that the rejection of Claim 2 under 35 U.S.C. § 102(e) as being disclosed by *Regev* is traversed for the reasons stated above and for the same reasons as Claim 1.

Claim 3 is dependent from Claim 1 and limits the incentive to a sweepstakes. Claim 3 contains all the limitations of Claim 1. Nowhere does *Regev* teach the method of Claim 1 wherein an incentive to couple distributed devices to a server system is a sweepstakes. Further, nowhere does *Regev* teach an incentive to couple distributed devices to a server system, wherein the incentive is a sweepstakes. Therefore, the Applicant respectfully asserts that the rejection of Claim 3 under 35 U.S.C. § 102(e) as being disclosed by *Regev* is traversed for the reasons stated above and for the same reasons as Claim 1.

Claim 4 is dependent from Claim 1 and limits the incentive to a monetary payment. Claim 4 contains all the limitations of Claim 1. Nowhere does *Regev* teach the method of Claim 1 wherein an incentive to couple distributed devices to a server system is a monetary payment. Therefore, the Applicant respectfully asserts that the rejection of Claim 4 under 35 U.S.C. § 102(e) as being disclosed by *Regev* is traversed for the reasons stated above and for the same reasons as Claim 1.

Claim 5 is dependent from Claim 1 and recites the added step of determining an incentive value for one or more of the plurality of distributed devices based upon the workload completed by the distributed devices. Claim 5 contains all the steps of Claim 1. Nowhere does *Regev* teach the method of Claim 1 wherein an incentive value is determined for one or more distributed devices based on a workload completed by the distributed devices. Further, nowhere does *Regev* teach an incentive to couple distributed devices to a server system, wherein the incentive value for one or more of the plurality of distributed devices is based upon the workload completed by the distributed devices. Therefore, the Applicant respectfully asserts

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that the rejection of Claim 5 under 35 U.S.C. § 102(e) as being disclosed by *Regev* is traversed for the reasons stated above and for the same reasons as Claim 1.

Claim 6 is dependent from Claim 5 and limits the incentive value to entries in a sweepstakes. Claim 6 contains all the limitations of Claim 5 and Claim 1. Nowhere does *Regev* teach the method of Claim 1 wherein the incentive value determined for one or more distributed devices is entries to a sweepstakes. Further, nowhere does *Regev* teach an incentive to couple distributed devices to a server system, wherein the incentive is a sweepstakes. Therefore, the Applicant respectfully asserts that the rejection of Claim 6 under 35 U.S.C. § 102(e) as being disclosed by *Regev* is traversed for the reasons stated above and for the same reasons as Claim 1.

Claim 7 is dependent from Claim 1 and recites the added step of determining an incentive value for one or more of the plurality of distributed devices based upon the workload capabilities of the distributed devices. Claim 7 contains all the steps of Claim 1. Nowhere does *Regev* teach the method of Claim 1 wherein an incentive value is determined for one or more distributed devices based on workload capabilities. Further, nowhere does *Regev* teach an incentive to couple distributed devices to a server system, wherein the incentive is based upon the workload capabilities of the distributed devices. Therefore, the Applicant respectfully asserts that the rejection of Claim 7 under 35 U.S.C. § 102(e) as being disclosed by *Regev* is traversed for the reasons stated above and for the same reasons as Claim 1.

Claim 8 is dependent from Claim 7 and recites that the incentive value of Claim 7 comprises entries to a sweepstakes. Claim 8 contains all the steps of Claims 7 and 1. Nowhere does *Regev* teach the method of Claim 7 wherein an incentive value is determined for one or more distributed devices based upon the workload capabilities of the distributed devices is entries to a sweepstakes. Further, nowhere does *Regev* teach an incentive to couple distributed devices to a server system, wherein the incentive is a sweepstakes. Therefore, the Applicant respectfully asserts

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that the rejection of Claim 8 under 35 U.S.C. § 102(e) as being disclosed by *Regev* is traversed for the reasons stated above and for the same reasons as Claim 1.

Claim 9 is dependent from Claim 1 and limits the workload capability factors to a determination by a benchmark workload. Claim 9 contains all the limitations of Claim 1. Nowhere does *Regev* teach the method of Claim 1 wherein workload factors are identified. *Regev* therefore does not disclose workload capability factors determined by a benchmark workload. Further, nowhere does *Regev* teach workload capability factors. Therefore, the Applicant respectfully asserts that the rejection of Claim 9 under 35 U.S.C. § 102(e) as being disclosed by *Regev* is traversed for the reasons stated above and for the same reasons as Claim 1.

Claim 10 is dependent from Claim 9 and limits the server system to scheduling and allocating workloads to the distributed devices based upon the workload capability factor of Claim 9 determined by a benchmark workload. *Regev* does not disclose workload capability factors determined by a benchmark workload and thus does not disclose using the workload capability factors to schedule and allocate workloads to the distributed devices. Claim 10 contains all the limitations of Claim 9 and Claim 1. Nowhere does *Regev* disclose the method of Claim 1 wherein workload factors are identified. Further, nowhere does *Regev* teach workload capability factors. Therefore, the Applicant respectfully asserts that the rejection of Claim 10 under 35 U.S.C. § 102(e) as being disclosed by *Regev* is traversed for the reasons stated above and for the same reasons as Claims 9 and 1.

Claim 11 is dependent from Claim 1 and limits the workload capability factor of at least one distributed device of Claim 1 as being determined by the workload actually performed by the distributed device. *Regev* does not disclose workload capability factors, thus does not disclose a workload capability factor as one determined by a workload actually performed by the distributed device. Claim 11 contains all the limitations of Claim 1. Nowhere does *Regev* disclose the method of Claim 1 wherein workload factors are identified. Further, nowhere does *Regev* teach

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workload capability factors. Therefore, the Applicant respectfully asserts that the rejection of Claim 11 under 35 U.S.C. § 102(e) as being disclosed by *Regev* is traversed for the reasons stated above and for the same reasons as Claim 1.

Claim 12 is dependent from Claim 1 and limits the workload capability factor of at least one distributed device of Claim 1 as being determined by the capabilities of the distributed device. *Regev* does not disclose workload capability factors, thus does not disclose a workload capability factor as one determined by the capabilities of the distributed device. Claim 12 contains all the limitations of Claim 1. Nowhere does *Regev* disclose the method of Claim 1 wherein workload factors are identified. Further, nowhere does *Regev* teach workload capability factors. Therefore, the Applicant respectfully asserts that the rejection of Claim 12 under 35 U.S.C. § 102(e) as being disclosed by *Regev* is traversed for the reasons stated above and for the same reasons as Claim 1.

Claim 13 is dependent from Claim 12 and limits the workload capability to being utilized to determine an entry value to a sweepstakes. *Regev* does not disclose workload capability factors and does not disclose sweepstakes entries and thus does not disclose a workload capability factor utilized to determine an entry value to a sweepstakes. Claim 13 contains all the limitations of Claim 12. Nowhere does *Regev* disclose the method of Claim 1 wherein workload factors are identified. Further, nowhere does *Regev* teach workload capability factors utilized to determine an entry value to a sweepstakes. Therefore, the Applicant respectfully asserts that the rejection of Claim 13 under 35 U.S.C. § 102(e) as being disclosed by *Regev* is traversed for the reasons stated above and for the same reasons as Claim 12 and Claim 1.

Claim 14 is dependent from Claim 13 and limits the entry value determined by the workload capability factor to increasing for increased capabilities of the distributed devices. *Regev* does not disclose the workload capability factors and does not disclose entries as incentives generated for distributed devices. Claim 14 contains

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all the limitations of Claim 13. Nowhere does *Regev* disclose the method of Claim 1 wherein workload factors are identified. Therefore, the Applicant respectfully asserts that the rejection of Claim 14 under 35 U.S.C. § 102(e) as being disclosed by *Regev* is traversed for the reasons stated above and for the same reasons as Claim 13 and Claim 1.

Claim 15 is dependent from Claim 1 and limits a workload performed by the distributed device to a site testing workload. *Regev* does not disclose the method of Claim 1 wherein the workload performed by the distributed device is a site testing workload. Claim 15 contains all the limitations of Claim 1. Nowhere does *Regev* disclose the method of Claim 1 wherein workload factors are identified. Further, nowhere does *Regev* teach a site testing workload. Therefore, the Applicant respectfully asserts that the rejection of Claim 15 under 35 U.S.C. §102(e) as being disclosed by *Regev* is traversed for the reasons stated above and for the same reasons as Claim 1.

Claim 16 is dependent from Claim 1 and limits a workload performed by the distributed device to an indexing workload. *Regev* does not disclose the method of Claim 1 wherein the workload performed by the distributed device is an indexing workload. Claim 16 contains all the limitations of Claim 1. Nowhere does *Regev* disclose the method of Claim 1 wherein workload factors are identified. Further, nowhere does *Regev* teach an indexing workload. Therefore, the Applicant respectfully asserts that the rejection of Claim 16 under 35 U.S.C. §102(e) as being disclosed by *Regev* is traversed for the reasons stated above and for the same reasons as Claim 1.

Claim 17 is dependent from Claim 1 and limits the workload capability factor to be utilized to determine an allocation of workloads among the distributed devices. *Regev* does not disclose the method of Claim 1 wherein workload capability factors are identified for the distributed devices and thus does not disclose how the workload capability factors are utilized. Claim 16 contains all the limitations of Claim 1.

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Nowhere does *Regev* disclose the method of Claim 1 wherein workload factors are identified. Further, nowhere does *Regev* teach workload capability factors for distributed devices. Therefore, the Applicant respectfully asserts that the rejection of Claim 17 under 35 U.S.C. § 102(e) as being disclosed by *Regev* is traversed for the reasons stated above and for the same reasons as Claim 1.

Claim 18 is dependent from Claim 1 and limits the workload capability factor to be utilized to determine scheduling of workloads among the distributed devices. *Regev* does not disclose the method of Claim 1 wherein workload capability factors are identified for the distributed devices and thus does not disclose how the workload capability factors are utilized. Claim 17 contains all the limitations of Claim 1. Nowhere does *Regev* disclose the method of Claim 1 wherein workload factors are identified. Further, nowhere does *Regev* teach workload capability factors for distributed devices. Therefore, the Applicant respectfully asserts that the rejection of Claim 18 under 35 U.S.C. § 102(e) as being disclosed by *Regev* is traversed for the reasons stated above and for the same reasons as Claim 1.

Claim 19 is dependent from Claim 1 and limits the network, which connects the distributed devices to the server system as an Internet. *Regev* does not disclose the method of Claim 1 wherein workload capability factors are identified for the distributed devices and thus does not disclose how distributed devices with identified workload capabilities are connected. Claim 19 contains all the limitations of Claim 1. Nowhere does *Regev* disclose the method of Claim 1 wherein workload factors are identified. Further, *Regev* does not disclose distributed devices with workload capability factors wherein the distributed devices are connected an Internet. Therefore, the Applicant respectfully asserts that the rejection of Claim 19 under 35 U.S.C. § 102(e) as being disclosed by *Regev* is traversed for the reasons stated above and for the same reasons as Claim 1.

Claim 20 is dependent from Claim 1 and limits the network, which connects the distributed devices to the server system as an intranet. *Regev* does not disclose

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the method of Claim 1 wherein workload capability factors are identified for the distributed devices and thus does not disclose how distributed devices with identified workload capabilities are connected. Claim 19 contains all the limitations of Claim 1. Nowhere does *Regev* disclose the method of Claim 1 wherein workload factors are identified. Further, *Regev* does not disclose distributed devices with workload capability factors wherein the distributed devices are connected an intranet. Therefore, the Applicant respectfully asserts that the rejection of Claim 20 under 35 U.S.C. § 102(e) as being disclosed by *Regev* is traversed for the reasons stated above and for the same reasons as Claim 1.

Claim 21 is dependent from Claim 1 and limits the network, which connects the distributed devices to the server system as a wireless network. *Regev* does not disclose the method of Claim 1 wherein workload capability factors are identified for the distributed devices and thus does not disclose how distributed devices with identified workload capabilities are connected. Claim 21 contains all the limitations of Claim 1. Nowhere does *Regev* disclose the method of Claim 1 wherein workload factors are identified. Further, nowhere does *Regev* teach workload capability factors for distributed devices. Therefore, the Applicant respectfully asserts that the rejection of Claim 21 under 35 U.S.C. § 102(e) as being disclosed by *Regev* is traversed for the reasons stated above and for the same reasons as Claim 1.

Claim 22 is dependent from Claim 1 and adds the step of transferring an agent from the server system to the distributed devices, wherein the agent is capable of managing the workload performed by the distributed devices. *Regev* does not disclose the method of Claim 1 wherein workload capability factors are identified for the distributed devices and thus does not the disclose distributed devices with identified workload capability factors that have agents capable of managing a workload performed by the distributed devices transferred to them from the server system. Claim 22 contains all the limitations of Claim 1. Nowhere does *Regev* disclose the method of Claim 1 wherein workload factors are identified. Further, nowhere does *Regev* teach workload capability factors for distributed devices having

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an agent transferred from the server system. Therefore, the Applicant respectfully asserts that the rejection of Claim 22 under 35 U.S.C. §102(e) as being disclosed by *Regev* is traversed for the reasons stated above and for the same reasons as Claim 1.

Claim 23 is dependent from Claim 22 and limits the agent as capable of providing information to a user of the distributed device. *Regev* does not disclose the method of Claim 1 wherein workload capability factors are identified for the distributed devices and thus does not disclose the distributed devices with identified workload capability factors that have agents capable of providing information to a user of the distributed devices transferred to them from the server system. Claim 23 contains all the limitations of Claim 1. Nowhere does *Regev* disclose the method of Claim 1 wherein workload factors are identified. Therefore, the Applicant respectfully asserts that the rejection of Claim 23 under 35 U.S.C. § 102(e) as being disclosed by *Regev* is traversed for the reasons stated above and for the same reasons as Claim 1.

Claim 24 is dependent from Claim 23 and limits the agent as capable of providing information to a user about an increase in the incentive value for an increase in workload capability of the distributed device. *Regev* does not disclose the method of Claim 1 wherein workload capability factors are identified for the distributed devices and thus does not disclose distributed devices with identified workload capability factors that have agents transferred to them from the server system that are capable of providing information to a user about an increase in the incentive value for an increase in workload capability of the distributed device. Claim 24 contains all the limitations of Claim 1. Nowhere does *Regev* disclose the method of Claim 1 wherein workload factors are identified. Further, nowhere does *Regev* teach workload capability factors for distributed devices having an agent transferred from the server system that are capable of providing information to a user about an increase in the incentive value for an increase in workload capability of the distributed device. Therefore, the Applicant respectfully asserts that the rejection of

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Claim 24 under 35 U.S.C. § 102(e) as being disclosed by *Regev* is traversed for the reasons stated above and for the same reasons as Claims 23 and 1.

Claim 25 is dependent from Claim 24 and limits the incentive increase information from the agent is directed to an upgrade for the distributed system. *Regev* does not disclose the method of Claim 1 wherein workload capability factors are identified for the distributed devices and thus does not disclose distributed devices with identified workload capability factors that have agents transferred to them from the server system that are capable of providing information to a user about wherein the increase information directed to an upgrade for the distributed system. Claim 25 contains all the limitations of Claims 24, 23, 22, and 1. Nowhere does *Regev* disclose the method of Claim 1 wherein workload factors are identified. Further, nowhere does *Regev* teach workload capability factors for distributed devices having an agent transferred from the server system that are capable of providing incentive increase information to a user to an upgrade for the distributed system. Therefore, the Applicant respectfully asserts that the rejection of Claim 25 under 35 U.S.C. § 102(e) as being disclosed by *Regev* is traversed for the reasons stated above and for the same reasons as Claims 24 and 1.

Claim 26 is dependent from Claim 25 and limits the incentive increase information from the agent is directed to a particular manufacturer of an upgrade product. *Regev* does not disclose the method of Claim 1 wherein workload capability factors are identified for the distributed devices and thus does not disclose distributed devices with identified workload capability factors that have agents transferred to them from the server system that are capable of providing information to a user about wherein the increase information directed to a particular manufacturer of an upgrade product. Claim 26 contains all the limitations of Claims 25, 24, 23, 22, and 1. Nowhere does *Regev* disclose the method of Claim 1 wherein workload factors are identified. Further, nowhere does *Regev* teach workload capability factors for distributed devices having an agent transferred from the server system that are capable of providing incentive increase information to a user directed to a particular

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manufacturer of an upgrade product.. Therefore, the Applicant respectfully asserts that the rejection of Claim 26 under 35 U.S.C. § 102(e) as being disclosed by *Regev* is traversed for the reasons stated above and for the same reasons as Claims 25 and 1.

Claim 27 is dependent from Claim 1 and limits the workload capability factor to include processor capabilities of the distributed devices. *Regev* does not disclose the method of Claim 1 wherein workload capability factors are identified for the distributed devices and thus does not disclose the particular workload capability factor as processor capabilities of the distributed devices. Claim 27 contains all the limitations of Claim 1. Nowhere does *Regev* disclose the method of Claim 1 wherein workload factors are identified. Further, nowhere does *Regev* teach workload capability factors for distributed devices. Therefore, the Applicant respectfully asserts that the rejection of Claim 27 under 35 U.S.C. § 102(e) as being disclosed by *Regev* is traversed for the reasons stated above and for the same reasons as Claim 1.

Claim 28 is dependent from Claim 1 and limits the workload capability factor to include a storage capacity of the distributed devices. *Regev* does not disclose the method of Claim 1 wherein workload capability factors are identified for the distributed devices and thus does not disclose the particular workload capability factor as a storage capacity of the distributed devices. Claim 28 contains all the limitations of Claim 1. Nowhere does *Regev* disclose the method of Claim 1 wherein workload factors are identified. Further, nowhere does *Regev* teach workload capability factors that include a storage capacity of the distributed devices. Therefore, the Applicant respectfully asserts that the rejection of Claim 28 under 35 U.S.C. § 102(e) as being disclosed by *Regev* is traversed for the reasons stated above and for the same reasons as Claim 1.

The Examiner rejects Claims 29-52 under 35 U.S.C. § 102(b) as being disclosed by *Regev*. To support his rejections, the Examiner cites *Regev*, pages 7-11. Independent Claim 29 has been amended to correct informalities. Amended Claim 29 is an independent claim reciting a distributed parallel processing system, comprising a

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server system coupled to a network, the network being connectable to distributed devices, a capability database coupled to the server system, the capability database storing workload capability factors for the plurality of distributed devices, and an incentive database coupled to the server system, the incentive database storing incentive values for a plurality of the distributed devices, the plurality of distributed devices being capable of performing workloads for the distributed parallel processing system, and the server system utilizing the workload capacity factors to determine the incentive values for the plurality of distributed devices. The Examiner does not address all of the elements of Claim 29; rather, the Examiner rejects Claims 29-52 for apparently the same reasons as Claims 1-28 stating that his rationale from rejecting Claims 1-28 under 35 U.S.C. §102(e) as being disclosed by *Regev* fully applies to Claims 29-52. Claims 1-28 are claims to a method for operating a distributed parallel processing system and Claims 29-52 are claims to a distributed parallel processing system. Claim 29 has elements not recited in Claim 1, specifically, a capability database coupled to the server system and an incentive database coupled to the server system, the incentive database storing incentive values for a plurality of the distributed devices. The Examiner fails to address elements of Claim 29 by relying on the same arguments for rejecting Claim 29 as were used relative to Claim 1. The Applicant has shown that *Regev* does not anticipate identifying a workload capability factor as recited in step 4 of Claim 1. Likewise, the Applicant has shown that *Regev* does not anticipate utilizing the workload capability factor within the server system of step 1 of Claim 1. The Applicant asserts that since *Regev* does not anticipate identifying a workload capability factor, *Regev* cannot anticipate a distributed parallel processing system having a server system having a capability database coupled to the server system, the capability database storing workload capability factors for the plurality of distributed devices, and an incentive database coupled to the server system, the incentive database storing incentive values for a plurality of the distributed devices, the plurality of distributed devices being capable of performing workloads for the distributed parallel processing system, and the server system utilizing the workload capability factors to determine the incentive values for the

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plurality of distributed devices. Therefore, the Applicant respectfully asserts that the rejection of Claim 29 under 35 U.S.C. § 102(e) as being disclosed by *Regev* are traversed for the reasons stated above and for the same reasons as Claim 1.

Claim 30 is dependent from Claim 29 and limits the incentive to a sweepstakes. *Regev* does not disclose the system of Claim 29 wherein the incentive is a sweepstakes. Further, *Regev* does not teach providing an incentive for coupling to a distributed system, wherein the incentive is a sweepstakes. Therefore, the Applicant respectfully asserts that the rejection of Claim 30 under 35 U.S.C. § 102(e) as being disclosed by *Regev* is traversed for the reasons stated above and for the same reasons as Claims 29 and 1.

Claim 31 is dependent from Claim 29 and limits the incentive to include a monetary payment. *Regev* does not disclose the system of Claim 29 wherein the incentive includes a monetary payment. Therefore, the Applicant respectfully asserts that the rejection of Claim 31 under 35 U.S.C. § 102(e) as being disclosed by *Regev* is traversed for the reasons stated above and for the same reasons as Claims 29 and 1.

Claim 32 is dependent from Claim 29 and limits the incentive values to be based upon the workload completed by the distributed devices. *Regev* does not disclose the system of Claim 29 wherein the incentive values are based upon the workload completed by the distributed devices. Further, *Regev* does not teach providing an incentive for coupling to a distributed system, wherein the incentive is based upon the workload completed by the distributed devices. Therefore, the Applicant respectfully asserts that the rejection of Claim 32 under 35 U.S.C. § 102(e) as being disclosed by *Regev* is traversed for the reasons stated above and for the same reasons as Claims 29 and 1.

Claim 33 is dependent from Claim 32 and limits the incentive values entries to a sweepstakes. *Regev* does not disclose the system of Claim 29 wherein the incentive values are entries to a sweepstakes. Further, *Regev* does not teach providing an incentive for coupling to a distributed system, wherein the incentive is a sweepstakes.

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Therefore, the Applicant respectfully asserts that the rejection of Claim 33 under 35 U.S.C. § 102(e) as being disclosed by *Regev* is traversed for the reasons stated above and for the same reasons as Claims 29 and 1.

Claim 34 is dependent from Claim 29 and limits the incentive values are based on a workload completed. *Regev* does not disclose the system of Claim 29 wherein the incentive values are based on a workload completed. Further, *Regev* does not teach providing an incentive for coupling to a distributed system, wherein the incentive is based on a workload completed. Therefore, the Applicant respectfully asserts that the rejection of Claim 34 under 35 U.S.C. § 102(e) as being disclosed by *Regev* is traversed for the reasons stated above and for the same reasons as Claims 29 and 1.

Claim 35 is dependent from Claim 34 and limits the incentive values entries to a sweepstakes. *Regev* does not disclose the system of Claim 29 wherein the incentive values are entries to a sweepstakes. Further, *Regev* does not teach providing an incentive for coupling to a distributed system, wherein the incentive is a sweepstakes. Therefore, the Applicant respectfully asserts that the rejection of Claim 35 under 35 U.S.C. § 102(e) as being disclosed by *Regev* is traversed for the reasons stated above and for the same reasons as Claims 29 and 1.

Claim 36 is dependent from Claim 29 and limits the workload capability factors for the distributed devices as being determined by a benchmark workload. *Regev* does not disclose the system of Claim 29 wherein the workload capability factors for the distributed devices are determined by a benchmark workload. Further, *Regev* does not teach workload capability factors for the distributed device, wherein the workload capability factors are determined by a benchmark workload. Therefore, the Applicant respectfully asserts that the rejection of Claim 36 under 35 U.S.C. § 102(e) as being disclosed by *Regev* is traversed for the reasons stated above and for the same reasons as Claims 29 and 1.

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Claim 37 is dependent from Claim 36 and adds the limitation of a workload data base coupled to the server system, wherein the server system allocates workloads to the distributed devices based upon the workload capability factor determined by the benchmark workload. *Regev* does not disclose the system of Claim 29 wherein the distributed devices have workload capability factors and thus does not teach the system wherein the workload capability factors are determined by a benchmark workload. Further, *Regev* does not disclose a workload data base coupled to the server system. Therefore, the Applicant respectfully asserts that the rejection of Claim 37 under 35 U.S.C. § 102(e) as being disclosed by *Regev* is traversed for the reasons stated above and for the same reasons as Claims 29 and 1.

Claim 38 is dependent from Claim 29 and limits the incentive values to increase for increased capabilities of the distributed devices. *Regev* does not disclose the system of Claim 29 wherein the distributed devices have workload capability factors and thus does not disclose the system of Claim 9 wherein the incentive values increase for increased capabilities of the distributed devices. Claim 38 contains all the limitations of Claim 29. Nowhere does *Regev* disclose the system of Claim 29 wherein the distributed devices have workload capability factors. Further, *Regev* does not teach workload capability factors for the distributed device, wherein the incentive values increase for increased capabilities of the distributed devices. Therefore, the Applicant respectfully asserts that the rejection of Claim 38 under 35 U.S.C. § 102(e) as being disclosed by *Regev* is traversed for the reasons stated above and for the same reasons as Claim 29 and Claim 1.

Claim 39 is dependent from Claim 29 and limits the workload to include a site testing workload or a network site content indexing. *Regev* does not disclose the system of Claim 29 wherein the distributed devices have workload capability factors and thus does not disclose the system of Claim 9 wherein the workload to include a site testing workload or a network site content indexing. Claim 39 contains all the limitations of Claim 29. Nowhere does *Regev* disclose the system of Claim 29 wherein the distributed devices have workload capability factors. Further, *Regev*

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does not teach a site testing workload or a network site content indexing. Therefore, the Applicant respectfully asserts that the rejection of Claim 39 under 35 U.S.C. § 102(e) as being disclosed by *Regev* is traversed for the reasons stated above and for the same reasons as Claim 29 and Claim 1.

Claim 40 is dependent from Claim 29 and limits the workload to include a bioinformatics workload, a pair-wise comparison workload, or a data mining workload. *Regev* does not disclose the system of Claim 29 wherein the distributed devices have workload capability factors and thus does not disclose system Claim 29 wherein the workload to include a bioinformatics workload, a pair-wise comparison workload or a data mining workload. Claim 40 contains all the limitations of Claim 29. Nowhere does *Regev* disclose the system of Claim 29 wherein the distributed devices have workload capability factors. Further, *Regev* does not teach bioinformatics workload, a pair-wise comparison workload, or a data mining workload. Therefore, the Applicant respectfully asserts that the rejection of Claim 40 under 35 U.S.C. § 102(e) as being disclosed by *Regev* is traversed for the reasons stated above and for the same reasons as Claim 29 and Claim 1.

Claim 41 is dependent from Claim 29 and limits the server system to utilize the workload capability factors of the distributed devices to determine an allocation of workloads among the distributed devices. *Regev* does not disclose the system of Claim 29 wherein the distributed devices have workload capability factors and thus does not disclose system Claim 29 wherein the server system utilizes the workload capability factors of the distributed devices to determine an allocation of workloads among the distributed devices. Claim 41 contains all the limitations of Claim 29. Nowhere does *Regev* disclose the system of Claim 29 wherein the distributed devices have workload capability factors. Further, *Regev* does not disclose a server system that utilizes workload capability factors of the distributed devices to determine an allocation of workloads among the distributed devices. Therefore, the Applicant respectfully asserts that the rejection of Claim 41 under 35 U.S.C. § 102(e) as being

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disclosed by *Regev* is traversed for the reasons stated above and for the same reasons as Claim 29 and Claim 1.

Claim 42 is dependent from Claim 29 and limits the network connecting the distributed devices is an Internet. *Regev* does not disclose the system of Claim 29 wherein the distributed devices have workload capability factors and thus does not disclose system Claim 29 wherein the network connecting the distributed devices is an internet. Claim 42 contains all the limitations of Claim 29. Nowhere does *Regev* disclose the system of Claim 29 wherein the distributed devices have workload capability factors. Further, *Regev* does not disclose distributed devices with workload capability factors wherein the distributed devices are connected an Internet. Therefore, the Applicant respectfully asserts that the rejection of Claim 42 under 35 U.S.C. § 102(e) as being disclosed by *Regev* is traversed for the reasons stated above and for the same reasons as Claim 29 and Claim 1.

Claim 43 is dependent from Claim 29 and limits the network connecting the distributed devices is an intranet. *Regev* does not disclose the system of Claim 29 wherein the distributed devices have workload capability factors and thus does not disclose system Claim 29 wherein the network connecting the distributed devices is an intranet. Claim 42 contains all the limitations of Claim 29. Nowhere does *Regev* disclose the system of Claim 29 wherein the distributed devices have workload capability factors. Further, *Regev* does not disclose distributed devices with workload capability factors wherein the distributed devices are connected an intranet. Therefore, the Applicant respectfully asserts that the rejection of Claim 42 under 35 U.S.C. § 102(e) as being disclosed by *Regev* is traversed for the reasons stated above and for the same reasons as Claim 29 and Claim 1.

Claim 44 is dependent from Claim 29 and adds the limitation of an agent coupled to the server system, wherein the agent is capable of being transferred from the server system to the distributed devices and the agent is capable of managing the workload. *Regev* does not disclose the system of Claim 29 wherein the distributed

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devices have workload capability factors and thus does not teach the system wherein an agent capable of being transferred from the server system to the distributed devices is coupled to the server system, wherein the agent is capable of managing the workload. Further, *Regev* does not disclose a server system that transfers an agent to distributed devices with workload capability factors. Therefore, the Applicant respectfully asserts that the rejection of Claim 44 under 35 U.S.C. § 102(e) as being disclosed by *Regev* is traversed for the reasons stated above and for the same reasons as Claims 29 and 1.

Claim 45 is dependent from Claim 44 and adds the limitation that the agent is capable of providing information to a user of a distributed device. *Regev* does not disclose the system of Claim 29 wherein the distributed devices have workload capability factors and thus does not teach the system wherein the agent is capable of providing information to a user of a distributed device. Further, *Regev* does not disclose a server system that transfers an agent to distributed devices with workload capability factors, wherein the agent is capable of providing information to a user of a distributed device. Therefore, the Applicant respectfully asserts that the rejection of Claim 45 under 35 U.S.C. § 102(e) as being disclosed by *Regev* is traversed for the reasons stated above and for the same reasons as Claims 29 and 1.

Claim 46 is dependent from Claim 45 and adds the limitation that the agent is capable of providing information to a user about an increase in the incentive value for an increase in the capability of the distributed system. *Regev* does not disclose the system of Claim 29 wherein the distributed devices have workload capability factors and thus does not teach the system wherein the agent is capable of providing information to a user about an increase in the incentive value for an increase in the capability of the distributed system. Further, *Regev* does not disclose a server system that transfers an agent to distributed devices with workload capability factors, wherein the agent is capable of providing information to a user about an increase in the incentive value for an increase in the capability of the distributed system. Therefore, the Applicant respectfully asserts that the rejection of Claim 46 under 35

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*U.S.C. § 102(e)* as being disclosed by *Regev* is traversed for the reasons stated above and for the same reasons as Claims 29 and 1.

Claim 47 is dependent from Claim 46 and adds the limitation that the information is directed to an upgrade for the distributed device. *Regev* does not disclose the system of Claim 29 wherein the distributed devices have workload capability factors and thus does not teach the system wherein the information is directed to an upgrade for the distributed device. Further, *Regev* does not disclose a server system that transfers an agent to distributed devices with workload capability factors, wherein the agent is capable of providing information, wherein the information is directed to an upgrade for the distributed device. Therefore, the Applicant respectfully asserts that the rejection of Claim 47 under 35 *U.S.C. § 102(e)* as being disclosed by *Regev* is traversed for the reasons stated above and for the same reasons as Claims 29 and 1.

Claim 48 is dependent from Claim 47 and adds the limitation that the information is directed to a particular manufacturer of an upgrade product. *Regev* does not disclose the system of Claim 29 wherein the distributed devices have workload capability factors and thus does not teach the system wherein the information is directed to a particular manufacturer of an upgrade product. Further, *Regev* does not disclose a server system that transfers an agent to distributed devices with workload capability factors, wherein the agent is capable of providing information, wherein the information is directed to an upgrade for the distributed device. Further, *Regev* does not disclose a server system that transfers an agent to distributed devices with workload capability factors, wherein the agent is capable of providing information, wherein the information is directed to a particular manufacturer of an upgrade product. Therefore, the Applicant respectfully asserts that the rejection of Claim 48 under 35 *U.S.C. § 102(e)* as being disclosed by *Regev* is traversed for the reasons stated above and for the same reasons as Claims 29 and 1.

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Claim 49 is dependent from Claim 29 and adds the limitation that the workload capability factor includes a processor capability of the distributed devices. *Regev* does not disclose the system of Claim 29 wherein the distributed devices have workload capability factors and thus does not teach the system wherein the workload capability factor includes a processor capability of the distributed devices. Further, *Regev* does not disclose distributed devices with workload capability factors. Therefore, the Applicant respectfully asserts that the rejection of Claim 49 under 35 U.S.C. § 102(e) as being disclosed by *Regev* is traversed for the reasons stated above and for the same reasons as Claims 29 and 1.

Claim 50 is dependent from Claim 29 and adds the limitation that the workload capability factor includes a storage capacity capability of the distributed devices. *Regev* does not disclose the system of Claim 29 wherein the distributed devices have workload capability factors and thus does not teach the system wherein the workload capability factor includes a storage capacity capability of the distributed devices. Further, *Regev* does not disclose distributed devices with workload capability factors wherein a workload capability factor includes a storage capacity capability of the distributed devices. Therefore, the Applicant respectfully asserts that the rejection of Claim 50 under 35 U.S.C. § 102(e) as being disclosed by *Regev* is traversed for the reasons stated above and for the same reasons as Claims 29 and 1.

Claim 51 is dependent from Claim 29 and adds the limitation that the network for connecting the distributed devices is a wireless network. *Regev* does not disclose the system of Claim 29 wherein the distributed devices have workload capability factors and thus does not teach the system wherein the network for connecting the distributed devices is a wireless network. Further, *Regev* does not disclose distributed devices with workload capability factors wherein the distributed devices are connected with a wireless network. Therefore, the Applicant respectfully asserts that the rejection of Claim 51 under 35 U.S.C. § 102(e) as being disclosed by *Regev* is traversed for the reasons stated above and for the same reasons as Claims 29 and 1.

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Claim 52 is dependent from Claim 29 and adds the limitation that the distributed devices comprise wireless devices. *Regev* does not disclose the system of Claim 29 wherein the distributed devices have workload capability factors and thus does not teach the system wherein the distributed devices comprise wireless devices. Further, *Regev* does not disclose distributed devices with workload capability factors wherein the distributed devices comprise wireless devices. Therefore, the Applicant respectfully asserts that the rejection of Claim 52 under 35 U.S.C. § 102(e) as being disclosed by *Regev* is traversed for the reasons stated above and for the same reasons as Claims 29 and 1.

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II. CONCLUSION

The Applicant has amended Claim 29 to correct informalities.

Claims 53-72 have been added.

The rejections of Claims 1-28 under 35 U.S.C. § 102(e) as being disclosed by Xu are traversed. The rejections of Claims 29-52 under 35 U.S.C. § 102(e) as being disclosed by Xu are traversed.

The rejections of Claims 1-28 under 35 U.S.C. § 102(b) as being disclosed by Regev are traversed. The rejections of Claims 29-52 under 35 U.S.C. § 102(b) as being disclosed by Regev are traversed.

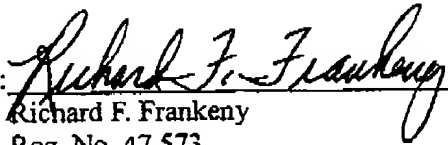
The Applicants, therefore, respectfully assert that Claims 1-52 and added Claims 53-72 are now in condition for allowance and request an early allowance of these claims.

Applicants respectfully request that the Examiner call Applicants' attorney at the below listed number if the Examiner believes that such a discussion would be helpful in resolving any remaining problems.

Respectfully submitted,

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